

N° 1863.

ESPAGNE ET PORTUGAL

Convention de limites. Signée à Lisbonne, le 29 juin 1926.

SPAIN AND PORTUGAL

Boundary Convention. Signed at Lisbon, June 29, 1926.

¹ TRANSLATION.

No. 1863. — BOUNDARY CONVENTION BETWEEN SPAIN AND PORTUGAL. SIGNED AT LISBON, JUNE 29, 1926.

THE GOVERNMENT OF THE PORTUGUESE REPUBLIC, established by the will of the Nation, and HIS MAJESTY THE KING OF SPAIN, being desirous that the nationals of both States, residing in the frontier districts of the two countries, from the mouth of the River Cuncos to that of the Guadiana, should enjoy along the whole of that frontier the same advantages as the territories covered by the Treaty of September 29, 1864, have resolved to conclude a special Convention defining clearly and permanently both the boundary line, where this has not yet been clearly marked out between the said mouth of the River Cuncos and that of the Guadiana, and also the rights of the inhabitants of the frontier districts.

For this purpose they have appointed as their respective Plenipotentiaries :

THE GOVERNMENT OF THE PORTUGUESE REPUBLIC, established by the will of the Nation :

General Joaquim Maria TRAVASSOS VALDEZ, Commander of the Order of Christ, Commander of the Order of the Conception of Villa Viçosa, Commander of the Order of Saint Maurice and Saint Lazarus of Italy, Commander of the Order of Nassau and Orange of the Netherlands, Commander of the Order of the Double Dragon of China, Knight of the Order of S. Bento de Avis, Military Medal and Distinguished Conduct Medal, Minister Plenipotentiary ;

HIS MAJESTY THE KING OF SPAIN :

Don Francisco de Assis SERRAT Y BONASTRE, Knight of the Grand Cross of the Royal Order of Isabella the Catholic, Knight of the Royal and Distinguished Order of Charles III, Cross of the First Class for Military Merit and King's Silver Medal, Knight of the Grand Cross of the Order of the Crown of Italy, Knight of Christ and of the Conception of Villa Viçosa, Minister Plenipotentiary ;

Who, having communicated their full powers, found in good and due form, having examined the necessary documents and having given due consideration to the investigations and proceedings of the Mixed Commission which has surveyed the frontier during the past few years, have agreed upon the following provisions :

Article I.

The boundary line between the territory of the Portuguese Republic and the Kingdom of Spain, to which the present Convention refers, shall start from the confluence of the River Cuncos with the River Guadiana, between the district of Evora in Portugal and the province of Badajoz in Spain, and shall follow the thalweg of the said River Cuncos until the first post marking the boundary of the Contenda of Vila Nova del Fresno is reached.

¹ Translated by the Secretariat of the League of Nations, for information.

Article 2.

The Contenda of Vila Nova del Fresno, which is bounded by the Rivers Cuncos and Godelim (or Guadelim) shall be divided in accordance with the proposal agreed upon by the Mixed Commission in the course of its proceedings during the spring of 1924, as shown on the map annexed to this Convention, Sheet No. 24.

Article 3.

Starting from the last post marking the boundary of the Contenda of Vila Nova del Fresno, the frontier line shall follow the thalweg of the Rivers Guadelim, Zaos and Maias (the two latter being also known by the name of the Zaos and Maias streams) to the first post marking the boundary of the Contenda of Valencia de Mombuey, situated in the vicinity of the Fonte das Maias.

Article 4.

From the Fonte das Maias, which is on the stream of the same name near an old boundary post and near the old road from Valencia de Mombuey to Amareleja, the frontier shall continue along a wall built in 1896, until the first-class road from Amareleja to Valencia de Mombuey is reached, and thence along the straight line formed by the said wall as far as the ravine of the River Termos (or Terminos), thereafter following the course of that river to its confluence with the Ardila.

Article 5.

From the confluence of the Termos (or Terminos) stream with the river Ardila, the frontier shall follow the thalweg of this latter river for a distance of 24 kilometres as far as the point at which its left bank meets the boundary wall of the Portuguese estate of Russiana, and thence along the said wall until the Cadaval stream is reached. The line then continues along that stream as far as its confluence with the River Múrtiga.

Article 6.

After the said confluence has been reached, the frontier shall continue eastwards along another wall, also bounding the Portuguese estate of Russiana, until it meets the River Múrtiga. The line then runs along the thalweg of that river for a distance of 3,000 metres, until the latter is joined on its left bank by the Pedro Miguel stream.

Article 7.

From the mouth of the Pedro Miguel stream, the frontier line follows the course of the said stream for a distance of 400 metres as far as the first post marking the boundary of the Contenda of Moura, and thence along the line fixed by the Convention of March 27, 1893, and by the Act of Demarcation of July 18, 1894, as shown on the map annexed to the present Convention, Sheets 25 and 26.

The said line runs as follows :

In the lands known as the Contenda, the line dividing the Portuguese Republic from the Kingdom of Spain shall follow the well-known and frequented high-road which runs from the town of Aroche in Spain to Barrancos in Portugal, in that section of the road which crosses the said lands.

Accordingly the frontier starts from the point at which the Gamos stream is crossed by the road running from Barrancos to Aroche via Charco Redondo, at which point the present boundary separating the cultivated zone of Moura from that of Encinasola also begins. The frontier then follows this road, which is at the same time the boundary of cultivation, as far as the Touril da Mocha, where the three boundaries meet. The frontier continues to follow this road, which now divides the cultivated areas of Aroche and Moura, as far as the point known as Tojal Alto. From this point the frontier is formed by the same road, which crosses the river Mortigão at Charco Redondo and continues southwards, leaving in Portugal, and 220 metres to the west, the height of Charco Portuguese, and then crossing the Persegueiro stream. The frontier line continues in the same southerly direction for another 700 metres, following the said road the whole time. This road may be freely used by the inhabitants of both countries along its whole length. The frontier then turns south-west and rises to the watershed between the Mortigão and Pai Joanes.

The line crosses this height at the place known as Rodeio do Touro about 680 metres from the Pico do Touro, which remains in Portugal ; 400 metres to the south of Rodeio, a road branches off leading to the Malhão do Borneco ; the frontier line continues to follow the road leading to Aroche until the latter leaves the Contenda. It then crosses the watershed between the Mortigão and the Chança, 200 metres south of the point at which another road begins, passing through the Malhão do Vale de Centeio and leading to the Portuguese village of Santo Aleixo.

Article 8.

Starting from the last post marking the boundary of the Contenda of Moura, as agreed upon in 1893, the River Safareja shall form the boundary between the two countries until its left bank meets the Termos (or Terminos) stream, near the pool of Afoga Mulas. It shall follow the course of that stream until it reaches the point on Sheet 26 of the topographical map having as co-ordinates 13.5 mm. east of meridian 176,000 and 35.5 mm. south of parallel 75,000 ; thence along the watershed as far as the source of the Termos (or Terminos) stream and afterwards in a straight line to the triangulation mark on the summit of the Caneço de Pereiro.

Article 9.

From the post in question the frontier line shall continue along the natural watershed between the Rivers Chança and Ardila until it meets the Raia stream (also known as the Perna Seca river) E. S. E. of the Customs station of Vale de Grou, following the above-mentioned stream or river to its confluence with the Chança, as shown in the annexed plan, Sheet No. 26.

Article 10.

From the confluence of the Raia stream (or Perna Seca river) with the River Chança, the frontier line shall follow the thalweg of that river to its confluence with the Guadiana and shall continue to follow the latter until it runs into the sea.

Article 11.

The principles of the Boundary Treaty of September 29, 1864, and its annexes concerning international navigation, fishing, waterways, roads, springs and bridges shall apply to the section of the frontier covered by the present Convention, without prejudice to any special arrangements which the two Governments may have adopted or may hereafter think fit to adopt.

Article 12.

As regards the work of marking out the boundary line to which the present Convention refers, the instructions issued on July 7, 1866, and approved by both Governments on November 5 of the same year shall apply.

The international boundary line shall be marked out as soon as possible, the posts necessary for its geometric determination being set up. These operations shall be carried out by the technical staff of the Portuguese and Spanish Delegations of the Mixed Commission.

Article 13.

As soon as the marking out has been completed, the portion of the frontier which concerns the respective administrative authorities in the frontier districts of both States shall be handed over to them in the presence of delegates of the Spanish and Portuguese Municipalities under whose jurisdiction the section of the frontier in question is placed.

The Act relating to the demarcation and geometric determination of the frontier, in duplicate and duly legalised, shall be attached to the present Convention, and its provisions shall have the same force and effect as if they had been embodied in the said Convention.

Article 14.

It is understood that, in order to ensure the permanence of the international boundary stones or posts, the Municipalities of the districts on either side of the frontier may take, as regards the portion that concerns them, and in agreement with the competent authorities, such steps as they may consider necessary for the preservation of the boundary marks, the replacement of any which have been destroyed and the punishment of offenders. For this purpose, the frontier line shall be inspected each year in the month of August by delegates of the Municipalities on either side of the frontier, in the presence of the Spanish mayors and the administrative authorities of the Portuguese Councils. A record shall be drawn up of the said inspection, and a copy transmitted to the higher administrative authorities and to the Boundary Commission, so that they may be kept informed of the condition of the frontier and may take any action that may be required.

This shall not prevent the technical delegates of the Mixed Commission or other special delegates appointed by each of the Governments from taking steps to see that the whole of the frontier between Portugal and Spain is maintained in good condition. They may accordingly inspect the frontier whenever they think fit, and shall inform their respective Governments of the result.

Article 15.

The present Treaty shall be ratified as soon as possible and the ratifications shall be exchanged at Lisbon.

In faith whereof the respective Plenipotentiaries have signed and sealed the present Convention in duplicate at Lisbon on the twenty-ninth day of June, one thousand nine hundred and twenty-six.

Joaquim Maria TRAVASSOS VALDEZ.
F. SERRAT.